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6 Attorneys for Defendant and Counter-Claimant  
KONTRON AMERICA, INC.

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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 EXCEPTIONAL INNOVATION, LLC,

11 Plaintiff,

12 vs.

13 KONTRON AMERICA, INC.,

14 Defendant.

15 CASE NO. 07CV2041 LAB (LSP)

16 **PROOF OF SERVICE**

17 KONTRON AMERICA, INC.,

18 Counter-Claimant,

19 v.

20 EXCEPTIONAL INNOVATION, LLC,

21 Counter-Defendant.

22 I, the undersigned, declare:

23 I am employed in the County of San Diego, State of California. I am over the age of  
24 18 years and not a party to this action. My business address is Solomon Ward Seidenwurm  
& Smith, LLP, 401 B Street, Suite 1200, San Diego, California 92101.

25 On April 3, 2008, I served a copy, including all exhibits, if any, of the following  
26 document(s):

27 **KONTRON AMERICA, INC'S ANSWER TO PLAINTIFF EXCEPTIONAL**  
**INNOVATION, LLC'S FIRST AMENDED COMPLAINT AND FIRST AMENDED**  
**COUNTERCLAIM**

1 on the parties in this action listed in the attached Proof of Service List, which is incorporated  
2 herein by this reference, by the following means:

3  **(BY MAIL)** I caused each such envelope to be sealed and placed for collection  
4 and mailing from my business address. I am readily familiar with the practice  
5 of Solomon Ward Seidenwurm & Smith, LLP for collection and processing of  
6 correspondence for mailing, said practice being that in the ordinary course of  
7 business mail is deposited with the postage thereon fully prepaid in the United  
8 States Postal Service the same day as it is placed for collection. I am aware  
9 that upon motion of the party served, service is presumed invalid if the postal  
10 cancellation date or postage meter date on the envelope is more than one day  
11 after the date of deposit for mailing contained in this affidavit.

12  **(BY PERSONAL SERVICE)** I caused each such envelope to be sealed and  
13 given to a courier authorized by our attorney service to receive documents for  
14 delivery on the same date. A proof of service signed by the authorized courier  
15 will be filed forthwith.

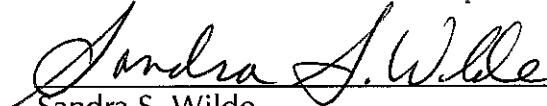
16  **(BY FEDERAL EXPRESS)** I am readily familiar with the practice of Solomon  
17 Ward Seidenwurm & Smith, LLP for the collection and processing of  
18 correspondence for overnight delivery and know that the document(s)  
19 described herein will be deposited in a box or other facility regularly  
20 maintained by Federal Express for overnight delivery.

21  **(BY FACSIMILE)** This document was transmitted by facsimile transmission  
22 from (619) 231-4755 and the transmission was reported as complete and  
23 without error. I then caused the transmitting facsimile machine to properly  
24 issue a transmission report, a copy of which is attached to this affidavit.

25  **(BY E-MAIL)** This document was transmitted by E-MAIL transmission and the  
26 transmission was reported as complete and without error.

27  **(FEDERAL)** I declare that I am employed in the office of a member of this bar  
28 of this court, at whose direction this service was made.

Executed on April 3, 2008, at San Diego, California.

  
Sandra S. Wilde

**PROOF OF SERVICE LIST**

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